



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Examiner: Michele C. Flood  
                          ) )  
                          Christopher O. Okunji, et al. ) Group Art Unit: 1655  
                          ) )  
                          Serial No.: 09/428,203 ) )  
                          ) )  
                          Filing Date: October 27, 1999 ) )  
                          ) )  
                          For: PLANT DERIVED ANTI-PARASITIC ) )  
                          AND ANTI-FUNGAL COMPOUNDS ) )  
                          AND METHODS OF EXTRACTING ) )  
                          THE COMPOUNDS ) )  
                          ) )

---

**RESPONSE TO A NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The following is a response to a Notification of Non-Compliant Appeal Brief dated July 6, 2009, citing that “The Appeal Brief fails to identify which claims are involved in the appeal.” Please note that the Appeal Brief submitted on May 22, 2009 does identify which claims are involved in the appeal in Section IV, entitled “STATUS OF THE AMENDMENT.” The statement identifying the claims under appeal was presented in this section as it was a natural progression of how these claims came to be the subject of a request for appellate review.

However, pursuant to a phone conversation with Patent Appeal Center Specialist Ms. Lorenda Hood on July 21, 2009, and for the purposes of clarity, Applicants hereby submit an amended Section III, entitled “STATUS OF THE CLAIMS,” that includes the above-noted sentence presented in Section IV. A marked-up copy of the amended

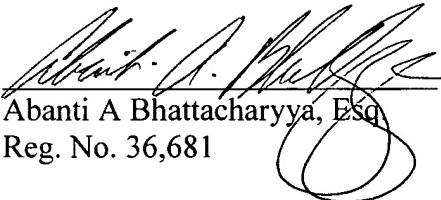
Section III appears on page 3. A clean copy of the amended Section III appears on page 4.

This response is timely filed within the one-month period of response that expires on August 6, 2009. No fees are required in the filing of this paper. However, the Commissioner is hereby authorized to charge any additional fees that may be required in connection with the filing of this paper, or credit any overpayment, to U.S. Army Medical Research and Materiel Command, Deposit Account Number 210380. Please send all correspondences to Ms. Elizabeth Arwine, Esq.; Office of the staff Judge Advocate; U.S. Army Medical Research and Materiel Command; 504 Scott Street; Fort Detrick, MD 21702-5012, Attn: MCMR-JA (Ms. Arwine).

Please direct any questions regarding this case to Ms. Abanti (Abby) Bhattacharyya, Esq., at (410) 964-9553.

Sincerely,

July 21, 2009  
Date

  
Abanti A Bhattacharyya, Esq.  
Reg. No. 36,681

A marked copy of the amended section of the Appeal Brief:

### **III. STATUS OF THE CLAIMS**

For the purposes of this Appeal, Applicants provide a status of the claims that conforms with the non-entered amendment of July 24, 2008. Thus, the present application recites claims 1 through 40. Claim 1 is currently pending in this application. Claims 2 through 10 are cancelled. Claim 11 is currently pending in this application. Claims 12 through 29 are cancelled. Claim 30 is currently pending in this application. Claims 31 through 37 are cancelled. Claim 38 is currently pending in this application. Claims 39 through 40 are cancelled. For the purposes of this Appeal, Applicants respectfully request that only the claims of the non-entered amendment, claims 1, 11, 30 and 38, be considered.

A clean copy of the amended section of the Appeal Brief:

**III. STATUS OF THE CLAIMS**

For the purposes of this Appeal, Applicants provide a status of the claims that conforms with the non-entered amendment of July 24, 2008. Thus, the present application recites claims 1 through 40. Claim 1 is currently pending in this application. Claims 2 through 10 are cancelled. Claim 11 is currently pending in this application. Claims 12 through 29 are cancelled. Claim 30 is currently pending in this application. Claims 31 through 37 are cancelled. Claim 38 is currently pending in this application. Claims 39 through 40 are cancelled. For the purposes of this Appeal, Applicants respectfully request that only the claims of the non-entered amendment, claims 1, 11, 30 and 38, be considered.